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ACTION SCT-02

RELEASED IN PART
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INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	CIAE-00	EB-00
	DODE-00	NSCE-00	NSAE-00	L-03	TRSE-00	PM-10	EAP-00
	PA-01	INRE-00	USSS-00	FBIE-00	SP-02	C-01	PRS-01
	DS-01	E-01	P-02	T-01	/032 W		

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P 210920Z NOV 88
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC PRIORITY 5055
INFO AMEMBASSY BEIJING
AMEMBASSY TOKYO
AMEMBASSY MOSCOW

C O N F I D E N T I A L SEOUL 14045

E.O. 12356: DECL: OADR
TAGS: PINS, PTER, KN, KS
SUBJECT: KAL 858 BOMBER CASE TO BE SENT TO PROSECUTOR

1. (U) THE KOREAN PRESS REPORTED ON NOV. 20 THAT THE CASE OF CONFESSED KAL-858 BOMBER KIM HYON-HUI WILL BE GIVEN TO THE PROSECUTION FOR ACTION IN THE COMING WEEK. THE ARTICLES SAID KIM WILL PROBABLY NOT BE TRIED OR EVEN INDICTED -- DESPITE DEMANDS FROM FAMILIES OF THE 115 VICTIMS -- BECAUSE SHE COOPERATED FULLY WITH THE BOMBING INVESTIGATION AND BECAUSE OF CONCERNS FOR HER SAFETY IF SHE WERE TRIED. THE PRESS NOTED THAT THE ROKG HAD PLANNED TRIAL WHICH WOULD RESULT IN A SUSPENDED SENTENCE AND RELEASE, BUT RECONSIDERED OUT OF CONCERN FOR HER SAFETY.

2. (U) WHEN SHE CONFESSED PUBLICLY IN JANUARY, A NUMBER OF EDITORIALS COMMENTED THAT SHE SHOULD BE PARDONED, BECAUSE SHE HAD COOPERATED WITH THE ROKG AND BECAUSE SHE COMMITTED THE CRIME AS A RESULT OF THE NORTH KOREAN SYSTEM. HOWEVER, EARLIER THIS FALL SOME OPPOSITION ASSEMBLYMEN CALLED FOR PROMPT LEGAL ACTION AGAINST KIM.
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3. (U) UNDER ARTICLE 20 OF THE ROK NATIONAL SECURITY LAW MANY IF NOT ALL CONFESSED NORTH KOREAN AGENTS HAVE BEEN EXEMPTED FROM INDICTMENT AFTER DECLARING ALLEGIANCE TO THE

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ROK. ONE OF THE MOST FAMOUS OF THESE IS THE ONLY SURVIVOR
OF THE JANUARY 1968 NORTH KOREAN COMMANDO ATTACK ON THE
BLUE HOUSE.

4. (C) ACCORDING TO [REDACTED] THE
MOFA NORTH AMERICAN DIVISION THERE IS SOME SUPPORT IN THE
ROK FOR FOLLOWING PAST PRACTICE WITH REGARD TO CONFESSED
NORTH KOREAN TERRORISTS, I.E, TO INVESTIGATE AND SUSPEND
FURTHER ACTION. SOME OFFICIALS BELIEVE A PUBLIC TRIAL NOW
WOULD ADVERSELY AFFECT THE PROSPECTS FOR NORTH-SOUTH
DIALOGUE.

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5. (C) IN A NOV. 21 DISCUSSION WITH MOFA AMERICAN AFFAIRS
BUREAU DIRECTOR GENERAL SHIN DOO-BYONG, POLCOUNS
REITERATED THE USG'S POSITION THAT KIM BE TRIED. POLCOUNS
POINTED OUT THE NECESSITY OF PRESERVING THE STRENGTH OF
THE MONTREAL CONVENTION. [REDACTED] WHO WAS ALSO
PRESENT, ACKNOWLEDGED MANY IN THE ROK AND IN THE KOREAN
PUBLIC SHARED THAT VIEW BUT NEITHER [REDACTED] WOULD
PREDICT HOW THE PROSECUTOR WOULD ELECT TO PROCEED IN THIS
CASE.

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6. (C) COMMENT: THE RATHER TENTATIVE WORDING OF PRESS
ARTICLES MAY MEAN THAT THE ROKG IS FLOATING A TRIAL
BALLOON TO GAUGE PUBLIC OPINION ON THE KIM CASE. WITH
INVESTIGATIONS INTO KWANGJU AND THE "FIFTH REPUBLIC
IRREGULARITIES" THE ROKG DOES NOT NEED TO ADD TO ITS
DOMESTIC POLITICAL DIFFICULTIES WITH A MISSTEP ON THE
KAL-858 CASE. BROOKS
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